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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,741	07/25/2003	Katsuya Inana	Q76563	9711
23373	7590 11/02/2004		EXAMINER	
SUGHRUE MION, PLLC			NGUYEN, JOHN QUOC	
2100 PENNS SUITE 800	YLVANIA AVENUE, N	ſ.W.	ART UNIT	PAPER NUMBER
WASHINGT	ON, DC 20037		3654	
			DATE MAILED: 11/02/200	4

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
Office Action Summary	10/626,741	INANA ET AL.	
Office Action Summary	Examiner	Art Unit	
<u> </u>	John Q. Nguyen	3654	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely, the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
1)⊠ Responsive to communication(s) filed on <u>28 Secondary</u>	eptember 2004.		
	action is non-final.		
3) Since this application is in condition for allowar closed in accordance with the practice under E	nce except for formal matters, pro		•
Disposition of Claims			
<ul> <li>4) ☐ Claim(s) 26-32 is/are pending in the application 4a) Of the above claim(s) 31 and 32 is/are with</li> <li>5) ☐ Claim(s) is/are allowed.</li> <li>6) ☐ Claim(s) 26-30 is/are rejected.</li> <li>7) ☐ Claim(s) is/are objected to.</li> <li>8) ☐ Claim(s) are subject to restriction and/o</li> </ul>	drawn from consideration.		
Application Papers			
9) The specification is objected to by the Examine	r.		
10) The drawing(s) filed on is/are: a) acc	epted or b) $\square$ objected to by the $\square$	Examiner.	
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex		•	
Priority under 35 U.S.C. § 119			
a) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No. <u>09/742,364</u> . ed in this National Stage	
Attachment(s)		,	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summary Paper No(s)/Mail Da		
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/25/03</u> .		ratent Application (PTO-152)	

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Applicant's election without traverse of Group I, claims 26-30, in the reply filed on 9/28/04 is acknowledged.

Claims 31-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 9/28/04.

Claims 28 and 30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that –than...-- should be inserted after "diameter" (claim 30, line 6).

The following appear to lack sufficient antecedent basis (in the claim): "said first and second bearing members" (claim 28), "said cutout" (claim 30, lines 2 and 4).

The following are not clear: "set" (claim 28, line 2), "for coming...roll" (claim 28, lines 3-4).

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

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patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 26-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6622953.

Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person having ordinary skill in the art that claims 26-30 are encompassed by claims 1-9 of the above patent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689. The examiner can normally be reached on Monday-Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Q. Nguyen Primary Examiner

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